

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 26, 2002
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

The Board of Equalization was convened at 1:30 p.m.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 19, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated February 19, 2002. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 10 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Campbell moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

American Red Cross Lancaster County Chapter
Christian Retirement Homes, Inc. d/b/a Eastmont Towers
Family Service
First Evangelical Covenant Church
First Lutheran Church
Our Lady of Guadalupe Seminary, a division of the Priestly Fraternity of
St. Peter
Sacred Heart Church

MOTION: Heier moved and Campbell seconded approval of the motor vehicle tax exemptions. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **SETTING OF PUBLIC HEARINGS FOR NOTICES OF VALUATION CHANGE:**

Setting of public hearings for Tuesday, March 12, 2002 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for:

Chee Peng Tan & Peih Leng Ooi
Scott A. & Darla D. Mills
Kathleen A. Fischer

MOTION: Heier moved and Campbell seconded approval of setting public hearings for March 12, 2002 at 2:30 p.m. for notice of valuation change for omitted or undervalued property for Chee Peng Tan and Peih Leng Ooi, Scott A. and Darla D. Mills and Kathleen A. Fischer. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR:**

DWAI LLC

Norm Agena, County Assessor, explained that the property was owned by the Nebraska State Historical Society, however, it was sold to the Brass Rail. He added that his office had omitted the property for 2000 and 2001 and recommended a new value of \$142,464.

MOTION: Campbell moved and Heier seconded to accept the County Assessor's recommendation and set a new value of \$142,464 for DWAI LLC. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned at 1:35 p.m.

Bruce Medcalf
County Clerk

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TUESDAY, FEBRUARY 26, 2002
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

The Board of Commissioners meeting was convened at 1:35 p.m.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 19, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated February 19, 2002. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

2) CLAIMS FOR REVIEW:

- A. PV 805-0387, dated February 20, 2002 - Nebraska Health and Human Services has requested payment, totaling \$24,504.67 for institutionalized patients (\$12,625.67), acute intake/evaluations (\$7,250) and court evaluations (\$4,629).

David Johnson, Deputy County Attorney, explained that Neb. Rev. Stat. §29-1823, as amended in the Cum. Sup. 1998, provides a system for Health and Human Services (HHS) to follow when filing a claim relating to court evaluations. He added that HHS has not followed the process as outlined in the Statute and noted that they were informed by the County Board of said process. Recommendation was for denial of the \$4,629 (court evaluations).

MOTION: Hudkins moved and Stevens seconded approval of PV 805-0387, dated February 20, 2001 - Nebraska Health and Human Services, in the amount of \$12,625.27, for institutionalized patients and for \$7,250 for acute intake/evaluations and to exclude \$4,629 for court evaluations as recommended by the County Attorney's Office. Hudkins, Stevens, Campbell, Workman and Heier voted aye. Motion carried.

Kerry Eagan, Chief Administrative Officer, stated he had talked with George Hanigan, Health and Human Services, who indicated they have a new financial officer and that he had requested information regarding the process be sent to Ron Ross and Steve Curtiss, with Health and Human Services. Eagan said he would draft a cover letter explaining the action of the County Board.

MOTION: Hudkins moved and Heier seconded to authorize Kerry Eagan, Chief Administrative Officer, to prepare a letter explaining the County Board's action to the Nebraska Health and Human Services Department. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

3) **CLAIMS:** Approval of all claims processed through Tuesday, February 26, 2002.

MOTION: Heier moved and Campbell seconded approval of the claims processed through February 26, 2002. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **SPECIAL PRESENTATIONS:**

A. The County-City Volunteer of the Month Award was presented to Ed Schneider, Jr. for his services with the Lincoln-Lancaster County Health Department.

5) **PUBLIC HEARINGS:**

A. County Final Plat 01036, Prairie Vista, requested by Lyle Loth of ESP on behalf of Andrew and Tamera Ingwerson, for six lots on property generally located south of North 176th Street and Fletcher Avenue in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify in favor, in opposition or in a neutral position to the final plat.

Mike DeKalb, Planning Department, requested that the hearing be continued for one week to allow additional time to complete final documentation.

Larry Worrell, County Surveyor, indicated he had no objections to keeping the hearing open.

In response to a question asked by Campbell regarding setbacks, DeKalb explained that the neighbor to the south had requested a 60 foot setback similar to the "AG" zoning compromise. He stated that the Planning Commission added a condition that the special permit for the "AG" cluster be amended to have ten percent of the frontage be the southern most lot within the subdivision. DeKalb stated the applicant has completed an administrative amendment to the special permit to make the modification.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was recessed until Tuesday, March 5, 2002 at 1:30 p.m.

The Clerk announced that the County Attorney's Office requested that New Business Item 7A be heard prior to the Public Hearing Item 5B.

7) **NEW BUSINESS:**

A. Written protest to the formation of the Special Paving Improvement District filed on January 31, 2002, under the proposed name of Hitching Post Hills Road Improvement District. The written protest was filed with the County Clerk on February 19, 2002 and the notice was February 12, 2002.

Johnson referred to Neb. Rev. Stat. §39-1601 through 39-1636.01 and stated that a petition of at least ten percent of the landowners requesting the formation of a Special Road Improvement District called Hitching Post Hills was received by the Clerk's Office. Pursuant to the requirements, the County Board began the process and a public notice was published regarding a hearing to be held March 26, 2002. Johnson offered a copy of the public notice request noting that it was to be published in the *Journal Star* on February 12, 2002 and again on February 19, 2002 (Exhibit A). He stated the date of February 12th was important because the Statute requires that within ten days of publication a written protest to the formation of the road improvement district may be filed and it must contain a majority of the resident property owners' signatures. A written protest regarding the formation of the road improvement district under was offered into the record by Johnson (Exhibit B). He indicated he sent a copy of the written protest, along with a list of the property owners provided by the County Assessor's Office (Exhibit C) to the Election Commissioner who verified the signatures of 40 resident property owners. Johnson stated there are 77 resident property owners, therefore, there were a majority of property owners in opposition to the formation of the road improvement district. He stated Neb. Rev. Stat. §39-1604(2) indicates that upon receiving such information the County Board would abandon the proceedings. Recommendation was to abandon the proceedings

MOTION: Campbell moved and Hudkins seconded to accept the recommendation of the County Attorney for the written protest to the formation of the Special Road Improvement District, under the proposed name of Hitching Post Hills Road Improvement District and to abandon the proceedings. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

RETURNING TO PUBLIC HEARING ITEM 5B:

- B. A petition from ten percent of the property owners within the Hitching Post Hills Addition, First Addition, Second Addition and Third Addition in Lancaster County, Nebraska for formation of a Special Paving Improvement District for the paving of Saddle Creek Trail, West Buckthorn Road, West Rodeo Road, Rodeo Circle, Hitching Post Lane, West Paddock Road, Palomino Lane and Hitching Post Circle.**

By direction of the Chair, the public hearing was dropped from the agenda.

6) OLD BUSINESS:

- A. An interlocal agreement with the State of Nebraska Probation Administration to provide a Drug Treatment Court Coordinator, two Drug Treatment Court Probation Officers and a .5 Drug Technician, beginning January 1, 2002 and ending June 30, 2002. The County will pay \$63,860 for the services. (C-02-21)**

Johnson stated there has been an on-going process to ensure the viability of the Drug Treatment Court in Lancaster County. He stated legislative language to Legislative Bill (LB) 1115 (establishment of Drug Courts and clarification regarding the method of payment when a county and state agency enter into a contract for drug treatment courts) has been drafted.

Johnson stated it is the opinion of the County Attorney's Office, based upon case law and statute, that the interlocal agreement does not meet the legal requirements for the payment of services, however, at the request of the County Board a six month agreement was drafted.

Ed Birkel, State of Nebraska Probation Administration, appeared and submitted a copy of an amendment to LB 1115 (Exhibit D).

Campbell stated for the record that the only reason the County Board was entering into the interlocal agreement on a six month basis was because it was with the State.

MOTION: Campbell moved and Heier seconded approval of an interlocal agreement with the State of Nebraska Probation Administration. Heier, Workman, Campbell and Stevens voted aye. Hudkins abstained. Motion carried.

7) **NEW BUSINESS:**

- A. Written protest to the formation of the Special Paving Improvement District filed on January 31, 2002, under the proposed name of Hitching Post Hills Road Improvement District. The written protest was filed with the County Clerk on February 19, 2002 and the notice was February 12, 2002.**

This item was previously heard.

- B. Reconsideration and rescission of County Board action on February 19, 2002 to enter into an agreement with the Child Advocacy Center (C-02-57) for investigative services and medical examinations of child abuse victims to aid law enforcement.**

Johnson explained that the County Board approved the agreement at their previous meeting (February 19, 2002), however, in reviewing the item it was noted that there is a current contract which is automatically renewable for three subsequent terms. He requested that the Board reconsider the item and their previous action and to rescind the contract to avoid duplication.

MOTION: Stevens moved and Campbell seconded to reconsider County Board action take on February 19, 2002 to enter into an agreement with the Child Advocacy Center for investigative services and medical examinations of child abuse victims to aid law enforcement. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

In response to a question asked by Campbell, Johnson stated there is an agreement in place and there would be no need to have a duplicate agreement.

MOTION: Campbell moved and Heier seconded to rescind the agreement with the Child Advocacy Center (C-02-57) on the advice of the County because it would be a duplicate agreement. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

7) NEW BUSINESS CONTINUED:

- C. **An agreement with M.J. Martin Inc. for consulting services to assist the County with planning and implementation of the Assessment Center, beginning January 1, 2002 and ending March 31, 2002. The County will pay \$50 per hour for up to 2000 hours over the term of the agreement. (C-02-69)**

Johnson clarified that the County will pay \$50 per hour for up to 200 hours over the term of the agreement, not 2000 hours.

MOTION: Heier moved and Campbell seconded approval of the agreement with M.J. Martin Inc. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

- D. **A service agreement with Simplex Grinnell for testing, inspections, cleaning and service of the smoke detection system at the Lancaster County Corrections Department, beginning March 1, 2002 and ending March 1, 2003. The County will pay \$7,211 for the service. (C-02-70)**

The Clerk noted that the County Attorney's Office had requested that the service agreement with Simplex Grinnell be held.

- E. **An agreement with Gateway Associates for voter registration. The Election Commissioner's Office will register voters on April 27, 2002 from 12 p.m. to 4 p.m., on May 2, 2002 from 11 a.m. to 1 p.m. and on May 3, 2002 from 11 a.m. to 6 p.m. (C-02-71)**

MOTION: Heier moved and Campbell seconded approval of the agreement with Gateway Associates. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

- F. **A right-of-entry agreement between Lancaster County and Michael Chadd, personal representative of the Estate of Donald Chadd, to perform a geotechnical investigation adjacent to the northeast corner of the intersection of North 1st Street and McKelvie Road and to enter on to property legally described as Lot 14, Irregular Tract, Section 23, Township 11 North, Range 6 East of the Principal Meridian, Lancaster County, Nebraska. (C-02-72)**

MOTION: Campbell moved and Stevens seconded approval of a right-of-entry agreement with Michael Chadd, personal representative of the Estate of Donald Chadd. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

7) NEW BUSINESS CONTINUED:

G. A service agreement for Consolidated Omnibus Budget Reconciliation Act (COBRA) and provision for the delegation of ministerial duties to Pay Flex Systems USA, Inc. with regard to keeping notification, certification and accounting of qualified beneficiaries whose benefits have terminated and are entitled to a continuation under COBRA. The term of the agreement is one year from the effective date of the agreement. (C-02-73)

MOTION: Hudkins moved and Heier seconded approval of a service agreement with Pay Flex Systems USA, Inc. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

H. An agreement with Lexis Publishing for computerized legal research. The term of the agreement is from the date of execution until April 30, 2006. The County will pay as follows:

- ▶ \$20.45 per user per month from May 1, 2002 to April 30, 2003
- ▶ \$22.50 per user per month from May 1, 2003 to April 30, 2004
- ▶ \$24.75 per user per month from May 1, 2004 to April 30, 2005
- ▶ \$27.24 per user per month from May 1, 2005 to April 30, 2006

The County will have 90 users which includes the Judges, County Attorney, Public Defender and Corrections. (C-02-74)

MOTION: Campbell moved and Heier seconded approval of an agreement with Lexis Publishing. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

I. An agreement with Pay Flex Systems, USA, Inc. to provide administrative services for the County's flexible compensation plan. The County will pay \$5 per month for each participating employee that establishes an account, \$1 for each eligible employee as an initial set up fee and an annual maintenance fee of \$1 per eligible employee. The term of the agreement is January 1, 2002 to December 31, 2002. (C-02-75)

Johnson referred to page two of the agreement which related to the fee schedule and noted that it appeared there were three different fees. As a result, PayFlex sent a new contract changing Subsection (b) from the initial set up fee to the annual maintenance fee. He clarified that one of fees for one dollar per eligible employee was deleted.

In response to a question asked by Workman, Bill Kostner, Risk Manager, stated the cost would be under \$10,000.

7) NEW BUSINESS CONTINUED:

MOTION: Campbell moved and Stevens seconded approval of the amended agreement with Pay Flex Systems, USA, Inc. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

J. Recommendation from the Purchasing Agent and the County Engineer to award a bid for grading construction within Lancaster County as follows: (B-02-08)

Project 02-29H - 2,500 (+4.5%) Tons to Raymond Stockpile

Kuhn's Rock, Inc. (Hauler)	\$3.33/Ton	=	\$ 8,325
Kerford Limestone (Producer)	\$8.50/Ton	=	<u>\$21,250</u>
			\$29,575

Project 02-30H - 3,000 (+4.3%) Tons to SW 12th & Saltillo Road Stockpile

Kuhn's Rock, Inc. (Hauler)	\$2.97/Ton	=	\$ 8,910
Kerford Limestone (Producer)	\$8.50/Ton	=	<u>\$25,500</u>
			\$34,410

Project 02-31H - 7,000 (+4.8%) tons to SW 98th & Saltillo Road Stockpile

Kuhn's Rock, Inc. (Hauler)	\$3.33/Ton	=	\$23,310
Kerford Limestone (Producer)	\$8.50/Ton	=	<u>\$59,500</u>
			\$82,810

Project 02-32H - 5,500 (+4.4%) Tons to Roca, NE Stockpile

Kuhn's Rock, Inc. (Hauler)	\$2.97/Ton	=	\$16,335
Kerford Limestone (Producer)	\$8.50/Ton	=	<u>\$46,750</u>
			\$63,085

Total Project Award is \$209,880.

Don Thomas, County Engineer, stated the bids were for the quantities which cover all construction for the next year.

MOTION: Campbell moved and Stevens seconded approval. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

K. Recommendation from the Purchasing Agent and the County Engineer to award a bid for replacement and maintenance of culverts within Lancaster County, Nebraska to Malone Construction, Inc., in the amount of \$87,059.08. (B-02-09)

Thomas stated they would be extending the contract to include three culverts.

MOTION: Heier moved and Stevens seconded approval. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

L. Authorization for Kit Boesch, Human Services Administrator, to apply for and accept a grant from Woods Charitable Fund, Inc. for the Community Services Plan Implementation Project to develop benchmark data infrastructure and data collection. The grant is in the amount of \$25,000.

MOTION: Hudkins moved and Campbell seconded approval. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

M. A political subdivision tort claim filed against the Lancaster County Corrections Department by Derek S. Scheffert, in the amount of \$20, for lost property.

MOTION: Heier moved and Campbell seconded to approve the tort claim filed against the Corrections Department by Derek S. Scheffert, in the amount of \$7. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

8) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Lincoln City Libraries Director's Report for January, 2002.

8) CONSENT ITEMS CONTINUED:

- B. Setting of a public hearing for Tuesday, March 26, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a new application for a Class E (Beer Off Sale Only) liquor license from Huong Nguyen and Thuvan Van d/b/a Tony's Corner located at 5700 West Raymond Road in Lancaster County, Nebraska.
- C. A request from Alexa Duffy, an employee with the County Treasurer's Motor Vehicle Division, to voluntarily participate in the County's retirement plan.
- D. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:
- ▶ Jeff and Kari Gottwald, in the amount of \$525, at 27700 South 82nd Street; Project C55-X-402(5), Firth Viaduct. (C-02-76)
 - ▶ Jimmie and Wendy Calliccoat, in the total amount of \$4,777.75, at 7500 Firth Road; Project C55-X-402(5), Firth Viaduct. (2 contracts) (C-02-77 and C-02-78)

MOTION: Campbell moved and Hudkins seconded approval of the Consent Items. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

9) OTHER BUSINESS:

Betty Craft, concerned citizen, appeared and explained she thought the hearing scheduled for Special Permit 190, Deer Trail Community Unit Plan, and Preliminary Plat 01018, Deer Trail, was scheduled for February 26th.

It was noted that the public hearings for both proposals are scheduled for Tuesday, March 12, 2002 at 1:30 p.m. and that it would be in Mrs. Craft's best interest to appear at that time so her testimony would be a part of the record.

Mrs. Craft displayed pictures of the area and stated they had lived in there for over 40 years.

10) **ADJOURNMENT:**

MOTION: At 2:35 p.m. Heier moved and Hudkins seconded adjournment of the Board of Commissioners meeting. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk